

Before the
Federal Communications Commission
Washington, D.C. 20554

DISPATCHED BY

MM Docket No. 92-20

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Shingle Springs and Quincy,
California)

RM-7645

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: May 12, 1992;

Released: May 19, 1992

By the Acting Chief, Allocations Branch:

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 7 FCC Rcd 1327 (1992), issued in response to a petition filed on behalf of Lobster Communications Corporation ("Lobster") proposing the substitution of Channel 270B for Channel 270B1 at Shingle Springs, California, and modification of the license for Station KFIA-FM,¹ to specify operation on the higher class channel. Additionally, in order to accommodate the modification request, Lobster also requested the substitution of Channel 271A for Channel 271C2 at Quincy, California, and modification of the license issued to Olympic Broadcasters, Inc. ("Olympic"),² for Station KQNC(FM), accordingly. Olympic filed supporting comments stating its intention to apply for both Channel 270B if allotted to Shingle Springs, and Channel 271A if allotted to Quincy. No other comments were received.

2. We believe the public interest would be served by substituting Channel 270B for Channel 270B1 at Shingle Springs, and substituting Channel 271A for Channel 271C2 at Quincy, California, since it would enable Station KFIA-FM to provide an enhanced service within its coverage area. Therefore, pursuant to the provisions of Sec-

tion 1.420(g) of the Commission's Rules, we are modifying herein the license for Station KFIA-FM to specify operation on Channel 270B at Shingle Springs, as requested.

3. As indicated in the *Notice*, Channel 270B can be substituted for Channel 270B1 at Shingle Springs at the petitioner's suggested site, located 25.3 kilometers (15.7 miles) north of the community.³ Channel 271A can be substituted for Channel 271C2 at Quincy at the site specified in the construction permit issued to Station KQNC(FM).⁴

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective July 6, 1992, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the communities listed below, as follows:

City	Channel No.
Shingle Springs, California	270B
Quincy, California	240A, ⁵ 262A, ⁶ 271A

5. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Olympic Broadcasters, Inc. for Station KFIA-FM, IS MODIFIED to specify operation on Channel 270B in lieu of Channel 270B1, subject to the following conditions:

- (a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility.
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

6. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Olympic Broadcasters, Inc. for Station KQNC(FM), IS MODIFIED to specify operation on Channel 271A in lieu of Channel 271C2, subject to the following conditions:

¹ Effective September 1, 1991, the call letters of Station KLIQ(FM) were changed to KFIA-FM.

² Olympic is the successor in interest to Lobster. A voluntary assignment of the license from Lobster to Olympic was granted April 1, 1991 (File No. BALH-910130GY), and consummated April 9, 1991.

³ Coordinates used for Channel 270B at Shingle Springs are 38-53-31 and 120-57-53.

⁴ Coordinates specified in the construction permit issued to Station KQNC(FM) at Quincy are 40-03-36 and 120-54-46. As stated in the *Notice*, the distance between the Shingle Springs proposal and Station KQNC(FM) at Quincy is 129.7 kilometers, whereas a separation of 241 kilometers is required in this instance. The mutual exclusivity between the two allotments

would not have occurred if Olympic had applied to modify its construction permit to specify a Class A channel prior to the filing of its proposal, since the required separation between first adjacent Class A and B channels is 113 kilometers. As the downgrading is necessary to meet the spacing requirements at Shingle Springs, and in the interest of expediting its desire to provide improved service to that community, Olympic chose to seek the modification of its license for Station KQNC(FM) in the context of the same proceeding.

⁵ Channel 240A was substituted for Channel 276A at Quincy in MM Docket No. 89-402. See 7 FCC Rcd 1318 (1992).

⁶ A proposal to substitute Channel 262C3 for Channel 262A at Quincy is pending in MM Docket No. 92-55. See 7 FCC Rcd 2097 (1992).

(a) Nothing contained herein shall be construed as authorizing any change in Station KQNC(FM)'s license, BLH-840710CS, except the channel as specified above. Any other changes, except those so specified under Section 73.1620 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301).

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with license BLH-840710CS, except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

7. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Olympic Broadcasters, Inc., licensee of Station KFIA-FM, is required to submit a rule making fee in addition to the fee required for the applications to effect the upgrade at Shingle Springs, California.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

Michael C. Ruger
Acting Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau